

HOUSE BILL NO. 62

INTRODUCED BY J. MANGAN, MCKENNEY, SPRAGUE, TESTER

BY REQUEST OF THE EDUCATION INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE SALARY STRUCTURE FOR CHIEF AND DEPUTY JUVENILE PROBATION OFFICERS; TYING THE MINIMUM AND MAXIMUM SALARIES TO A PERCENTAGE OF A DISTRICT COURT JUDGE'S SALARY; REPLACING THE COST-OF-LIVING ADJUSTMENTS WITH THE SALARY ADJUSTMENT ATTRIBUTABLE TO YEARS OF EXPERIENCE; REVISING THE STATE SHARE OF SALARY FOR CHIEF AND DEPUTY JUVENILE PROBATION OFFICERS; AMENDING SECTIONS 17-7-112, 41-5-1704, AND 41-5-1705, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 17-7-112, MCA, is amended to read:

"17-7-112. Submission deadlines -- budgeting schedule. The following is the schedule for the preparation of a state budget for submission to the legislature convening in the following year:

(1) By August 1, forms necessary for preparation of budget estimates must be distributed pursuant to 17-7-111(2).

(2) By September 1, each agency shall submit the information required under 17-7-111 to the budget director. The department of justice shall submit information received from counties concerning the state's share of county attorney salaries. The office of the supreme court administrator shall submit a budget request equal to one-half of the total salary of the state's chief juvenile probation officers plus the amount attributable to the increases to deputy juvenile probation officer salaries provided in 41-5-1705(2)(b).

(3) By September 1, the budget director shall submit each state agency's budget request required under 17-7-111(3) to the legislative fiscal analyst. The transfer of budget information must be done on a schedule mutually agreed to by the budget director and the legislative fiscal analyst in a manner that facilitates an even transfer of budget information that allows each office to maintain a reasonable staff workflow.

(4) By October 10, the budget director shall furnish the legislative fiscal analyst with a preliminary budget reflecting the base budget in a format agreed upon by both the office of budget and program planning and the legislative fiscal analyst.

(5) By October 30, a budget request must be prepared by the budget director and submitted to the legislative fiscal analyst on behalf of any agency that did not present the information required by this section. The budget request must be based upon the budget director's studies of the operations, plans, and needs of the institution, university unit, or agency.

(6) By November 1, the budget director shall furnish the legislative fiscal analyst with a present law base for each agency and a copy of the documents that reflect the anticipated receipts and other means of financing the base budget and present law base for each fiscal year of the ensuing biennium. The material must be in a format agreed upon by both the office of budget and program planning and the legislative fiscal analyst.

(7) By November 12, the budget director shall furnish the legislative fiscal analyst with the documents, in a format agreed upon by both the office of budget and program planning and the legislative fiscal analyst, that reflect expenditures to the second level, as provided in 17-1-102(3), by funding source and detailed by accounting entity.

(8) By November 15, the proposed pay plan schedule required by 17-7-111(4), a preliminary budget that meets the statutory requirements for submission of the budget to the legislature, and a summary of the preliminary budget designed for distribution to members and members-elect of the legislature must be submitted to the legislative fiscal analyst.

(9) By December 15, the budget director shall submit a preliminary budget to the governor and to the governor-elect, if there is one, as provided in 17-7-121, and shall furnish the legislative fiscal analyst with all amendments to the preliminary budget.

(10) By January 7, recommended changes proposed by a governor-elect must be transmitted to the legislative fiscal analyst and the legislature as provided in 17-7-121."

Section 2. Section 41-5-1704, MCA, is amended to read:

"41-5-1704. Salary and expenses. (1) A chief juvenile probation officer must receive a salary that is specified by the court, depending on the formal training and experience of each respective officer, ~~however, the salary may not be lower than \$24,000 a year and may not be higher than \$29,000 a year~~

~~and that is subject to the provisions of this section. In addition to the salary, the court shall, on or before July 1 of each year, adjust and fix the salary of the chief probation officer for a cost-of-living increase by adding to the chief probation officer's annual salary on July 1 of that year an increment, as determined by the county governing body using the applicable formula provided in 7-4-2504, of up to 100% of the previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that the bureau of business and economic research of the university of Montana-Missoula may in the future recognize as the successor to that index. The cost-of-living increment for each fiscal year must be added to all cost-of-living increments granted for previous years unless salaries were set for the fiscal year at the level of salaries received in the prior fiscal year by the county governing body. If that is the case, the cost-of-living increment that would have been received for the fiscal year, computed on the prior fiscal year, may not be added to previous increments. The salary of a chief probation officer must be apportioned among and paid by each of the counties in which the officer is appointed to act, in proportion to the cost allocation established under 41-5-104, except when the officer is appointed for one county, then that county shall pay the entire salary.~~

(2) (a) The minimum salary of a chief juvenile probation officer may not be set at less than 50% of the salary of a district court judge established pursuant to 3-5-211.

(b) The maximum salary of a chief juvenile probation officer may not exceed the following:

(i) 55% of a judge's salary for an individual with 0 to 5 years of service as a juvenile probation officer;

(ii) 60% of a judge's salary for an individual with 6 to 10 years of service as a juvenile probation officer; and

(iii) 65% of a judge's salary for an individual with 11 years or more of service as a juvenile probation officer.

(c) The minimum and maximum salaries do not include the longevity allowances provided for in this section.

~~(2)(3)~~ (2) In addition to the compensation provided in subsection ~~(1)~~ (2), each chief juvenile probation officer with more than 5 years of service is entitled to receive an annual 1% longevity allowance; however, years of service during any year in which the salary was set at the same level as the salary of the prior fiscal year may not be included in any calculation of longevity increase. Each longevity allowance must be based on the officer's current salary and begins on the officer's annual employment anniversary date.

The allowance must be paid in equal monthly installments. The longevity allowance to which a chief juvenile probation officer is entitled includes all longevity allowances earned during any service as a deputy juvenile probation officer and is transferable from one county to another or from one judicial district to another.

~~(3)~~(4) If the county governing body, in any subsequent fiscal year, restores for 1 or more years the former annual cost-of-living increments that were withheld pursuant to subsection (1), the longevity increases provided for in subsection ~~(2)~~ (3) must also be restored for those years that the cost-of-living increment was restored.

~~(4)~~(5) For all authorized travel ~~incident~~ related to a chief juvenile probation officer's official duties in connection with the investigation, supervision, and transportation of youth, the chief juvenile probation officer must, in addition to the officer's salary, be reimbursed as provided in 2-18-501 through 2-18-503.

(6) (a) Subject to the provisions of subsection (6)(b), 50% of the entire salary of a chief juvenile probation officer must be apportioned among and paid by each of the counties in which the officer is appointed to act, in proportion to the cost allocation established in 41-5-104, except that when the officer is appointed for one county, then that county shall pay the entire county share of the salary.

(b) The remaining portion of the entire salary of a chief juvenile probation officer is payable from the state general fund through the office of the supreme court administrator."

Section 3. Section 41-5-1705, MCA, is amended to read:

"41-5-1705. Deputy juvenile probation officers -- salary. (1) The judge having jurisdiction of juvenile matters may appoint persons to serve as deputy juvenile probation officers as the judge considers necessary, giving preference to persons having the qualifications suggested for appointment as the chief juvenile probation officer. ~~The~~ Subject to the provisions of this section, the salaries of deputy juvenile probation officers must be fixed by the judge.

(2) (a) The ~~salaries~~ minimum salary of a deputy juvenile probation officer may not exceed 90% or be less than 60% 35% of the salary of the chief probation officer a district court judge established pursuant to 3-5-211, excluding the cost-of-living increase provided in subsection (2) and longevity payments provided for in 41-5-1704 subsection (3) of this section.

(b) The maximum salary of a deputy juvenile probation officer may not exceed the following:

(i) 40% of a district court judge's salary for an individual with 0 to 5 years of service as a deputy

1 juvenile probation officer;

2 (ii) 45% of a district court judge's salary for an individual with 6 to 10 years of service as a deputy
3 juvenile probation officer; and

4 (iii) 50% of a district court judge's salary for an individual with 11 years or more of service as a
5 deputy juvenile probation officer.

6 ~~(2) In addition to the salary, the judge shall, on or before July 1 of each year, adjust and fix the~~
7 ~~salary of the deputy probation officer for a cost-of-living increase by adding to the deputy probation~~
8 ~~officer's annual salary on July 1 of that year an increment, as determined by the county governing body~~
9 ~~using the applicable formula provided in 7-4-2504, of up to 100% of the previous calendar year's~~
10 ~~consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other~~
11 ~~index that the bureau of business and economic research of the university of Montana-Missoula may in~~
12 ~~the future recognize as the successor to that index. The cost-of-living increment for each fiscal year must~~
13 ~~be added to all cost-of-living increments granted for previous years unless salaries were set for the fiscal~~
14 ~~year at the level of salaries received in the prior fiscal year by the county governing body. If that is the~~
15 ~~case, the cost-of-living increment that would have been received for the fiscal year, computed on the prior~~
16 ~~fiscal year, may not be added to previous increments. The salary of a deputy probation officer must be~~
17 ~~apportioned among and paid by each of the counties in which the officer is appointed to act, in proportion~~
18 ~~to the cost allocation established under 41-5-104, except when the officer is appointed for one county,~~
19 ~~then that county shall pay the entire salary.~~

20 (3) In addition to the compensation provided in ~~subsections (1) and~~ subsection (2), each deputy
21 juvenile probation officer with more than 5 years of service is entitled to receive an annual 1% longevity
22 allowance; ~~however~~ However, years of service during any year in which the salary was set at the same
23 level as the salary of the prior fiscal year may not be included in any calculation of longevity increase. Each
24 longevity allowance must be based on the officer's current salary and begins on the officer's annual
25 employment anniversary date. The allowance must be paid in equal monthly installments. The longevity
26 allowance to which a deputy juvenile probation officer is entitled is transferable from one county to another
27 or from one judicial district to another.

28 (4) If the county governing body, in any subsequent fiscal year, restores for 1 or more years the
29 former annual cost-of-living increments ~~withheld pursuant to subsection (2)~~, the longevity increases
30 provided for in subsection (3) must also be restored for those years that the cost-of-living increment was

1 restored.

2 (5) (a) The base salary of a deputy juvenile probation officer must be apportioned among and paid
3 by each of the counties in which the officer is appointed to act, in proportion to the cost allocation
4 established under 41-5-104, except that when the officer is appointed for one county, then that county
5 shall pay the entire salary. For purposes of this subsection (5)(a), the term "base salary" means the amount
6 of salary prior to any adjustment attributable to years of service as provided in subsection (2)(b).

7 (b) The counties in which the officer is appointed to act may apply to the office of the supreme
8 court administrator for reimbursement for the amount of the increase in the deputy juvenile probation
9 officer's salary that is attributable to years of service as provided in subsection (2)(b). If the reimbursement
10 amounts requested by counties exceed the amount appropriated to the office of the supreme court
11 administrator for this purpose, then the counties must be reimbursed proportionately for each officer's
12 increase as available funds allow.

13 ~~(5)(6)~~ The salary of a deputy juvenile probation officer promoted to chief juvenile probation officer
14 may not be decreased by the appointment. ~~The, and the~~ deputy juvenile probation officer retains all
15 longevity allowances earned during service as a deputy."
16

17 NEW SECTION. Section 4. Saving clause -- implementation. (1) [This act] does not affect rights
18 and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective
19 date of this act].

20 (2) The implementation of [this act] may not result in the reduction of the salary of a chief or
21 deputy juvenile probation officer.
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23 NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 2001.

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